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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/869,254

Filing Date: June 26, 2001

Appellant(s): TAKAHASHI ET AL.

FROMMER LAWRENCE & HAUG, LLP
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/09/2008 appealing from the Office action mailed 04/07/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,917,990	Zamara et al.	06-1999
5,995,095	Ratakonda	11-1999
6,738,100	Hampapur et al.	5-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Zamara et al. (“Zamara”, U.S. Pat. No. 5,917,990).

Per claim 1, Zamara teaches video information editing method comprising the steps of: delimiting at timing of a delimiting instruction a regular edition video, constituted by continuous dynamic images recorded along with recording position information or time lapse information, into shots as units of dynamic images or into scenes each containing at least one shot with the recording position information or the time lapse information associated with the shots or scenes (col. 3, lines 10-20);

preparing an evaluation value of each of the shots or each of the scenes on the basis of the information provided corresponding to each of the shots or each of the scenes (col. 3, lines 14-47);

wherein the information provided includes semantic evaluation information and wherein the information provided includes information relating to a presence/absence of a single or a plurality of video characteristic items (col. 3, lines 25-34 and lines 39-47); and

selecting from the regular edition video the shots or the scenes such that each of the evaluation values of the shots or the scenes satisfies a predetermined condition (col. 3, lines 50-59; col. 4, lines 27-38).

Claim 33 is rejected under the same rationale as claim 1.

Claims 9, 41-48, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zamara et al. (“Zamara”, U.S. Pat. No. 5,917,990) and Ratakonda (U.S. Pat. No. 5,995,095).

Per claim 9, Zamara teaches a video information editing method comprising the steps of: delimiting at timing of a delimiting instruction a regular edition video, constituted by continuous dynamic images recorded along with recording position information or time lapse information, into shots as units of dynamic images or into scenes each containing at least one shot with the recording position information or the time lapse information associated with the shots or scenes (col. 3, lines 10-20);

preparing a semantic evaluation value of each of the scenes on the basis of the information provided corresponding to each of the scenes (figs 3 and 4; col. 3, lines 20-47 and lines 51-58; col. 4, lines 30-34; col.4, line 60 – col. 5, lines 15);

selecting from the regular edition video the scenes such that each of the semantic evaluation values of the scenes satisfies a predetermined first condition (figs 3 and 4; col. 3, lines 20-47 and lines 51-58; col. 4, lines 30-34; col.4, line 60 – col. 5, lines 15); and

preparing an evaluation value of at least one of the shots included in each of the selected scenes on the basis of the information provided corresponding to a single or a plurality of video characteristic item of the shots (figs. 3 and 4; col. 3, lines 20-47 and lines 51-58; col. 4, lines 30-34; col.4, line 60 – col. 5, lines 15);

selecting the shots such that each of the evaluation values of the shots satisfies a predetermined second condition (figs. 3 and 4; col. 3, lines 20-47 and lines 51-58; col. 4, lines 30-34; col.4, line 60 – col. 5, lines 15).

Zamara does not teach wherein the first and the second condition are set in accordance with type of preview, the type of preview being selected from a plurality of previews, which are set for different purposes. However, Ratakonda teaches the first and the second condition are set

in accordance with type of preview, the type of preview being selected from a plurality of previews, which are set for different purposes (col. 3, lines 40-52; col. 5, lines 48-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Ratakonda in the invention of Zamara in order to provide a method for creating a hierarchical, multi-level summary wherein each level corresponds to a different level of detail.

Claim 41 is rejected under the same rationale as claim 9.

Per claim 42, Zamara teaches the video information editing device as claimed in claim 41, further comprising means for, if the length of a video produced by connecting selected shots exceed a predetermined video time, modifying at least one of the predetermined first condition and second condition and repeating the processing until the length of the video becomes equal to the predetermined video time (col. 4, lines 14-20, lines 34-38, lines 50-55).

Per claim 43, Zamara teaches the video information editing device as claimed in claim 41, wherein the predetermined first condition is that an absolute value of the evaluation value related to the scene reaches a predetermined threshold value (col. 3, lines 40-47), and

wherein with respect to the integration value of the evaluation value related to each of the scenes along the scene transition, the scene is a peak scene when the continuous increase of the integration value up to a scene exceeds a predetermined first gap value and the absolute value of the continuous decrease of the integration value after that scene exceeds a predetermined second gap value (figs 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; col. 4, lines 60- col. 5, lines 15),

while the scene is a valley scene when the absolute value of the continuous decrease of the integration value up to a scene exceeds a predetermined third gap value and the continuous increase of the integration value after that scene exceeds a predetermined fourth gap value (figs 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; and col. 4, lines 60- col. 5, lines 15; col. 4, lines 27-38), and

a threshold value is determined for each area between the peak or valley scene and the adjacent valley or peak scene (figs 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; and col. 4, lines 60- col. 5, lines 15; col. 4, lines 27-38).

Per claim 44, Zamara teaches the video information editing device as claimed in claim 41, wherein with respect to the integration value of the evaluation value related to each of the scenes along the scene transition, the scene is a peak scene when the continuous increase of the integration value up to a scene exceeds a predetermined first gap value and the absolute value of the continuous decrease of the integration value after that scene exceeds a predetermined second gap value (figs 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; col. 4, lines 60- col. 5, lines 15).

While the scene is a valley scene when the absolute value of the continuous decrease of the integration value up to a scene exceeds a predetermined third gap value and the continuous increase of the integration value after that scene exceeds a predetermined fourth gap value (figs 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; col. 4, lines 60- col. 5, lines 15), and the predetermined first condition is applied to the scenes on the upward slope to the peak from the adjacent valley before the peak and the scenes on the downward slope immediately after the peak, on the basis of the magnitude of the increase of the integration value of the valley scene

and the adjacent peak scene after the valley, or on the basis of the ranking of the magnitude of the increase of the integration value (figs 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; col. 4, lines 60- col. 5, lines 15).

Per claim 45, Zamara teaches the video information editing method as claimed in claim 43, wherein the predetermined condition is that the absolute value of the scene evaluation value relate to the scenes reaches a predetermined threshold value, and the threshold value is set in accordance with the slope from the valley to the adjacent peak or the downward slope from the peak to the adjacent valley (figs. 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; col. 4, lines 27-38).

Per claim 46, Zamara teaches the video information editing method as claimed in claim 43, wherein the predetermined first condition is that the absolute value related to the scenes reaches a predetermined threshold value, and when each of the evaluation values is formed by a positive or negative value, the absolute value of the threshold value applied to the positive value is made equal to or smaller than the absolute value of the threshold value applied to the negative evaluation value (col. 3, lines 40-47).

Per claim 47, Zamara teaches the video information editing method as claimed in claim 41, wherein the shot evaluation value is a value obtained by adding a value obtained by carrying out predetermined weighting on each of the video characteristic items including at least the presence of a speech, the volume of a predetermined level or higher, the appearance of a specified actor/actress, or the special picture effect in the corresponding part of the regular edition video, with respect to each of the items (col. 3, lines 14-19, and lines 35-47).

Per claim 48, Per claim 40, Zamara teaches the video information editing method as claimed in claim 47, wherein with respect to the shot evaluation value, the weighting value on the item related to the appearance of a specified actor/actress is made greater than the weighting values on the other items (col. 3, lines 3, lines 14-19; col. 5, lines 52-65).

Per claim 57, Zamara teaches a video information editing device comprising:
means for delimiting at timing of a delimiting instruction a regular edition video, constituted by continuous dynamic images recorded along with recording position information or time lapse information, into shots as units of dynamic images or into scenes each containing at least one shot with the recording position information or the time lapse information associated with the shots or scenes (col. 3, lines 10-20);

means for preparing an semantic evaluation value of each of the scenes on the basis of the information provided corresponding to each of the scenes and means for selecting from the regular edition video the scenes such that each of the semantic evaluation values of the scenes satisfies a predetermined first condition (figs 3 and 4; col. 3, lines 20-47 and lines 51-58; col. 4, lines 30-34; col.4, line 60 – col. 5, lines 15);

means for preparing an evaluation value of at least one of the shots included in each of the selected scenes on the basis of the information provided corresponding to a single or a plurality of video characteristic times of the shots and means for selecting the shots such that each of the evaluation values of the shots satisfies a predetermined second condition (figs. 3 and 4; col. 3, lines 20-47 and lines 51-58; col. 4, lines 30-34; col.4, line 60 – col. 5, lines 15); and

means for coding the information of the recording position information or the time lapse information corresponding to each of the selected shots and data including at least the shot evaluation value (col. 3, lines 11-13; col. 5, lines 56-60).

Zamara does not teach wherein the first and the second condition are set in accordance with type of preview, the type of preview being selected from a plurality of previews, which are set for different purposes. However, Ratakonda teaches the first and the second condition are set in accordance with type of preview, the type of preview being selected from a plurality of previews, which are set for different purposes (col. 3, lines 40-52; col. 5, lines 48-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Ratakonda in the invention of Zamara in order to provide a method for creating a hierarchical, multi-level summary wherein each level corresponds to a different level of detail.

Claims 65-66, and 76 are rejected under 35 U.S.C. 103(a) as being anticipated by Hampapur et al. (“Hampapur”, U.S. Pat. No. 6,738,100) and Ratakonda (U.S. Pat. No. 5,995,095).

Per claim 65, Hampapur teaches a method for generating a preview from a video comprising the steps of:

accessing a segment of the video (fig. 4; col. 3, lines 8-25);
establishing a plurality of shots from the segment of the video (col. 5, lines 20-25);
providing semantic evaluation information related to content of one or more of the plurality of shots (fig. 4; col. 6, lines 16-30 and lines 33-42);

evaluating a single or plurality of video characteristics of one or more of the plurality of shots (fig. 4; col. 6, lines 16-30 and lines 33-42);

selecting particular shots as a function of the semantic evaluation information and the single or plurality of video characteristics (fig. 4; col. 6, lines 16-30 and lines 33-42; col. 7, lines 8-28); and

generating the video by concatenating the selected particular shots such that the video has a predetermined time duration (fig. 4; element 204; col. 7, lines 20-28).

Hampapur does not teach wherein selecting particular shots is performed using predetermined condition with a type of preview, the type of preview being selected from a plurality of previews, which are set for different purposes. However, Ratakonda teaches selecting particular shots is performed using predetermined condition with a type of preview, the type of preview being selected from a plurality of previews, which are set for different purposes (col. 3, lines 40-52; col. 5, lines 48-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Ratakonda in the invention of Hampapur in order to provide a method for creating a hierarchical, multi-level summary wherein each level corresponds to a different level of detail.

Claim 66 is rejected under the same rationale of claim 65.

Claim 76 is rejected under the same rationale as claim 66.

(10) Response to Argument

Regarding claims 1 and 33, the appellant's primary argument is that "Zamara fails to teach or suggested preparing an evaluation value of each of the shots or scenes on the basis of the information provided corresponding to each of the shots or each of the scenes, wherein the

information provided included semantic evaluation information and wherein the information provided includes information relating to a presence/absence of a single or a plurality of video characteristic items, and selecting from the regular edition video the shots or scenes such that each of the evaluation values of the shots or the scenes satisfies a predetermined condition”.

The examiner does not agree because Zamara teaches preparing an evaluation value of each of the shots or scenes on the basis of the information provided corresponding to each of the shots or each of the scenes (*col. 3, lines 14-20, lines 27-35 and lines 39-45 show determining frame luminance value and the data value of a particular video frame (i.e. shots or scene) based on the brightness of the video frame*), wherein the information provided included semantic evaluation information and wherein the information provided includes information relating to a presence/absence of a single or a plurality of video characteristic items (*fig. 3; col. 3, line 63 – col. 4, lines 5 show a video frame that is characterized by evaluation information such as luminance data by large drop in luminance value point, which would indicate a change of scene or a noticeable change in brightness of the video*), and selecting from the regular edition video the shots or scenes such that each of the evaluation values of the shots or the scenes satisfies a predetermined condition (*col. 3, lines 50-59; and col. 4, lines 27-38 shows a video frame to be used as a point of interest is selected based on a predetermined condition (i.e. changes in luminance and delta values)*).

Regarding claims 9, 41-48, and 57, the appellant points out that Zamara and Ratakoda do not teach that “the first and second condition are set in accordance with type of preview, the type of preview being selected from a plurality of types of previews which are set for different purposes.” The examiner does not agree because Zamara teaches the first and second condition

(fig. 3, and col. 4, lines 1-9 show a frame being selected based on its luminance value and delta value, see). Ratakonda teaches various conditions are set based on the type of previews, the type of preview being selected from a plurality of types of previews which are set for different purposes (col. 2, lines 20-37, col. 3, lines 40-47 and lines 54-62 shows different levels of video detail information are set based different levels of video summarizations such as compact summary, coarse summary and finest summary). Accordingly, Zamara and Ratakonda read on the claimed limitations of the first and second condition are set in accordance with type of preview, the type of preview being selected from a plurality of types of previews which are set for different purposes.

Regarding claims 65, 66 and 76, the appellant points out that Hampapur and Ratakonda does not teach "selecting particular shot is performed using predetermined conditions associated with a type of preview, the type of preview being selected from a plurality of types of previews, which are set for different preview purposes." The examiner does not agree because Ratakonda reads on the claim language of selecting particular shot is performed using predetermined conditions associated with a type of preview, the type of preview being selected from a plurality of types of previews, which are set for different preview purposes (col. 3, lines 40-47, and lines 54-62, and col. 5, lines 48-60 shows selecting keyframe levels is performed using predetermined conditions such as different levels of video summarizations.)

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Examiner, Art Unit 2174

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